

ORDINANCE AMENDMENT REVIEW SHEET

Amendment Case #: C20-05-006

Planning Commission Date: August 22, 2006
September 26, 2006
October 24, 2006
November 14, 2006
November 28, 2006
December 12, 2006
January 16, 2007 (*mtg. cancelled*)
February 27, 2007
March 13, 2007

Codes and Ordinances Committee Date: August 15, 2006
September 19, 2006
December 18, 2006

Planning Commission Action:

2/27/07: Granted the Staff requested postponement. (Vote: 9-0)

3/13/07: Approved the Staff's recommendation with the deletion of lines 13 15, 16, & 17 of the Draft ordinance. Vote: [J.REDDY, C.GALINDO 2ND] (8-0) T.ATKINS – ABSENT

Codes and Ordinances Committee Action:

August 15, 2006: The Committee directed staff to work out affordable housing and other "loophole" issues and to bring a proposal back to the September 19, 2006 Codes and Ordinances Committee meeting.
December 18, 2006: Forwarded to Planning Commission for action without a formal recommendation.

Other Commission Action: None

City Council Date: July 26, 2007:

Sponsoring Department: Neighborhood Planning & Zoning Department

Purpose/Background:

On October 7, 2004, the City Council approved a resolution directing staff to process a code amendment to address substandard lot issues such as compatibility and high occupancy (see Exhibit "A")

A draft ordinance reflecting the Planning Commission's recommendation is attached (See Exhibit "B").

This action amends Section 25-2-943 of the City Code relating to substandard lots. A substandard lot is a lot or tract recorded by deed or plat that does not comply with current area, lot width, or depth requirements, but that complied with the requirements in effect when it was created.

Under the current Code, a substandard lot may be used for residential use that is permitted in the zoning district in which the lot is located if the lot complies with the following requirements:

1. A substandard lot recorded in the county real property records before March 15, 1946 must: (a) have an area of not less than 4,000 square feet; and (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot; (ii) not more than 150 feet in length; and (iii) maintained for access by the property owner; or
2. A substandard lot recorded in the county real property records after March 14, 1946 must: (a) have an area of not less than 5,750 square feet; and (b) be not less than 50 feet wide at the street or at the building line.

The current Code also requires that if a substandard lot is used with one or more contiguous lots for a single use or unified development, then requirements of this chapter apply to the aggregation of lots as if the aggregation were a single lot.

The proposed City wide ordinance would clarify that only the construction of a single family home is allowed to be constructed on a substandard lot and not other residential uses, such as a duplex or a multi-family use. The construction of a new single family home on a substandard lot that is designated as a family residence (SF-3) district would be required to meet current zoning regulations, including building height (maximum 35' or 32' in areas where the new residential design ordinance applies), setbacks (minimum 25' front yard, 5' interior side yard & 10' rear yard), building coverage (maximum 40%), parking (minimum of 2 spaces) and impervious cover (maximum 45%). However, the new SF-3 zone home would not be required to meet the current lot width requirement (minimum 50' wide) or the lot area requirement (minimum of 5,750 sq. ft.). Planning Commission recommended this portion of the amendment.

The proposed amendment would also prohibit an existing substandard lot that is combined with other lots to form a site to be reduced in size to create a site that is smaller than the minimum lot area requirement. For example, a three lot property (composed of lots 25 feet wide) developed with a home on one lot, a garage on another lot and an open yard on the third lot that collectively meets the minimum lot width and lot area requires of the Code may not be broken up into three separate lots and developed with a home on each lot. Planning Commission recommended this portion of the amendment.

The Staff recommended a provision that the final portion of the amendment would allow the replacement of an existing residence on a lot not less than 2,500 sq. ft. in size with a new single family residence, if the existing lot was created before March 15, 1946 and was previously developed with a residence. Planning Commission did not recommend this portion of the amendment. The Planning Commission recommendation maintained the existing Code that would allow a new single family residence on a lot not less than 4,000 sq. ft. in size, if the existing lot was created before March 15, 1946 and was previously developed with or without an existing residence.

This amendment would not conflict with the Small Lot Amnesty tool (Section 25-2-1406) allowed in certain neighborhood planning areas, because this amendment requires a lot to be already developed with an existing residence and that the new residence comply with the current zoning regulations.

The Small Lot Amnesty tool only applies in certain designated neighborhood planning areas. The Small Lot Amnesty tool may allow for the construction of either a single family residential use or a secondary apartment special use on lots that were created either before or after March 15, 1946. The Small Lot Amnesty tool does not have a requirement that the lot was been previously developed with a residence. The Small Lot Amnesty tool allows residential development to occur on lots with a minimum width of 25 feet and an increased amount of impervious cover (up to 65%) on lots at least 4,000 sq. ft. in size.

An Affordability Impact Statement (AIS) for this amendment is attached (See Exhibit "C"). The revised AIS states the amendment as recommended by the Planning Commission could have a negative impact on housing affordability by increasing the opportunities for housing development on existing small lots.

Staff Recommendation:

Staff supports the original amendment as proposed which included the provision that would allow the replacement of an existing residence on a lot not less than 2,500 sq. ft. in size with a new single family residence, if the existing lot was created before March 15, 1946.

City Staff:

Greg Guernsey, Director, Neighborhood Planning & Zoning, greg.guernsey@ci.austin.tx.us, 974-2387

RESOLUTION NO. 041007-19

WHEREAS, Council desires to study the land use regulations that are applicable to residential uses; and

WHEREAS, Council adopted interim regulations related to a two-family residential use and secondary apartment special use; and

WHEREAS, the location of certain residential uses on a substandard lot raises issues such as compatibility and high occupancy that are similar to issues currently being studied for the two-family residential use and secondary apartment special use; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to review and recommend amendments to the provisions of the City Code related to a residential use on a substandard lot.

ADOPTED: October 7, 2004

ATTEST:

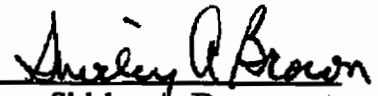

Shirley A. Brown
City Clerk

EXHIBIT "A"

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 25-2-943 OF THE CITY CODE
RELATING TO SUBSTANDARD LOTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-943 (*Substandard Lot*) of the City Code is amended to amend Subsection (B) and add a new Subsection (D) to read:

(B) A substandard lot may be used for a single-family residential use if the use ~~[that]~~ is permitted in the zoning district in which the lot is located and ~~[if]~~ the lot complies with the requirements of this subsection.

(1) A substandard lot recorded in the county real property records before March 15, 1946 must:

(a) have an area of not less than 4,000 square feet; and

(b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:

(i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;

(ii) not more than 150 feet in length; and

(iii) maintained for access by the property owner.

(2) A substandard lot recorded in the county real property records after March 14, 1946 must:

(a) have an area of not less than 5,750 square feet; and

(b) be not less than 50 feet wide at the street or at the building line.

(D) A substandard lot that is aggregated with other property to form a site may not be disaggregated after (effective date of ordinance) to form a site that is smaller than the minimum lot area requirement.

PART 2. This ordinance takes effect on _____, 2007.

PASSED AND APPROVED

www.elsevier.com/locate/jmb

_____, 2007

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk



City of Austin

MEMO

Neighborhood Housing and Community Development

P.O. Box 1088, Austin, TX 78767 -1088

(512) 974-3100 ♦ Fax (512) 974-3112 ♦ www.cityofaustin.org/housing

Paul Hilgers, Community Development Director *PH*

(512) 974-3108, Fax: (512) 974-1063, paul.hilgers@ci.austin.tx.us

Date: June 1, 2006

To: Planning Commission

Subject: Affordability Impact Statement – Substandard Lot Ordinance

In its current form, the proposed Substandard Lot Ordinance could have a negative impact on housing affordability.

Given the increased costs of inner city lots, substandard lots could become an increasingly viable source of housing for new homebuyers and lower income families who rent. Limiting construction on these lots to single-family use rather than two-family residential or duplex use could limit opportunities for lower income families. Given lot size, setback requirements, and impervious cover limits, this new housing is more likely to match the character of an existing neighborhood than would be the case if an owner chose to purchase a lot adjacent to a substandard lot and vacated the lot lines to construct a larger home.

Please let me know if you need additional information.

cc: Kelly Weiss
Regina Copic
Greg Guernsey

PH:RG:rg

Planning Commission – Affordability Impact Statement – 06.01.06/rg

EXHIBIT "C"

§ 25-2-943 SUBSTANDARD LOT.

(A) A substandard lot may be used for a nonresidential use that is permitted in the zoning district in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this title.

(B) A substandard lot may be used for a residential use that is permitted in the zoning district in which the lot is located if the lot complies with the requirements of this subsection.

(1) A substandard lot recorded in the county real property records before March 15, 1946 must:

(a) have an area of not less than 4,000 square feet; and

(b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:

(i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;

(ii) not more than 150 feet in length; and

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(2) A substandard lot recorded in the county real property records after March 14, 1946 must:

(a) have an area of not less than 5,750 square feet; and

(b) be not less than 50 feet wide at the street or at the building line.

(C) If a substandard lot is used with one or more contiguous lots for a single use or unified development, the requirements of this chapter apply to the aggregation of lots as if the aggregation were a single lot.

Source: Sections 13-2-334, 13-2-335, and 13-2-336; Ord. 990225-70; Ord. 031211-11.

SMALL LOT AMNESTY

Applied Neighborhood-Wide Only

LDC Chapter 25-2-1406

DESCRIPTION

Small lot amnesty permits construction or major renovation of existing single-family homes on **EXISTING legally-created lots** that do not meet current minimum lot standards. To qualify, the lot must have a minimum area of 2,500 square feet and a minimum width of 25 feet. This special use applies to all zoning districts and overlays that permit single-family homes. Under existing regulations that apply city-wide, an existing, legally-created lot less than 5,750 square feet that does not comply with current zoning regulations cannot be legally developed or have substantial improvements made to existing buildings (unless it is a qualified substandard lot (LDC 25-2-943) with a minimum lot area of 4,000 square feet and platted before March 15, 1946). Many legally subdivided lots in older parts of the city that do not meet current standards or do not qualify as substandard lots are sitting vacant or the homes on those lots are deteriorating because major improvements are not allowed.

Development under small lot amnesty must meet the following:

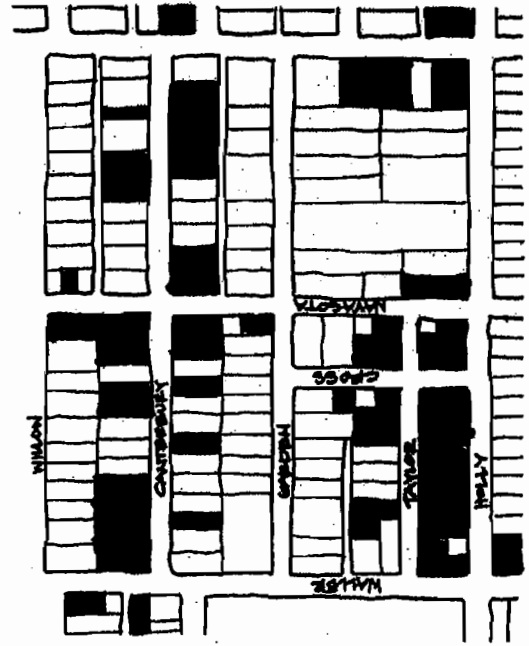
- Front setback: For lots adjacent to a legally developed lot with a front setback less than 25 feet, the minimum front yard setback is equal to the average of the front yard setbacks applicable to adjoining lots.
- Other setbacks: Must comply with base zoning district.
- Parking: Must comply with parking requirements for single-family uses.
- Impervious Cover: Maximum impervious cover is 65% for lots 4,000 square feet or less. For other lot sizes, maximum impervious cover determined by the base zoning district.
- Building Coverage: Must comply with base zoning district.

NEW OPTION:

If small lot amnesty is selected, the neighborhood can also choose to permit the Secondary Apartment Special Use (see page 7) on lots that qualify for small lot amnesty.

Diagram of Existing Small Platted Lots in the East Cesar Chavez Neighborhood

Formerly illegal small lots (East Cesar Chavez NP chose small lot amnesty).



SUMMARY OF SPECIAL USES CHOSEN IN ADOPTED NEIGHBORHOOD PLANS

SPECIAL USES CHOSEN IN ADOPTED NEIGHBORHOOD PLANS As of July 2006

Planning Area	Neighborhood-Wide					Property Specific			
	Small Lot Amenity	Cottage Lot	Urban Home	Secondary Apartments	Corner Store	Neighborhood Urban Center	Residential Mill	Neighborhood Building	
Bouldin								Yes	
Brentwood	Yes		Subdistrict	Yes		Yes			
Central East Austin	Yes		Subdistrict	Subdistrict		Yes		Yes	
Chestnut	Yes	Yes	Yes	Yes		Yes		Yes	
Crestview	Yes					Yes	Yes	Yes	
Dawson		***	***	Yes				Yes	
East César Chávez	Yes			Yes				Yes	
East Congress	Yes					Yes		Yes	
Franklin Park	Yes							Yes	
Govalle	Yes					Yes			
Hancock	Yes					Yes		Yes	
Highland	Yes	Subdistrict		Yes		Yes		Yes	
Holly	Yes			Yes				Yes	
Hyde Park	*See NCCD	*	*	*	*	*	*	*	*
Johnston Terrace	Yes							Yes	
McKinney	Yes					Yes		Yes	
MLK	Yes	Subdistrict	Subdistrict			Yes	Yes	Yes	
MLK-183	Yes	Subdistrict	Subdistrict	Subdistrict		Yes	Yes	Yes	
Montopolis	Yes	Yes	Yes	Yes				Yes	
North Austin Civic							Yes	Yes	
North Loop	Yes			Yes	Yes	Yes		Yes	
North University				**See NCCD				**See NCCD	
Old West Austin	Yes			Yes				Yes	
Parker	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

Planning Area	Neighborhood-Wide or Sub-District					Property Specific		
	Small Lot Amnesty	Garage Lot	Urban Home	Secondary Apartments	Corner Store	Neighborhood Urban Center	Residential	Multi-Family
Pecan Springs/ Springdale	Yes	Subdistrict	Subdistrict	Subdistrict		Yes	Yes	Yes
Pleasant Valley	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Riverside	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Rosewood	Yes			Yes		Yes		Yes
St Edwards						Yes		Yes
South River City						Yes		Yes
Southeast	Yes							
Sweetbriar	Yes	Subdistrict	Subdistrict	Subdistrict	Subdistrict	Yes	Subdistrict	Yes
Upper Boggy Creek	Yes			Subdistrict		Yes		Yes
West University	Yes							Yes
West Congress	Yes			Subdistrict		Yes		Yes
Wooten	Yes	Subdistrict	Subdistrict	Subdistrict		Yes		Yes

Subdistrict = chosen, but only for a part of the neighborhood planning area
TBD: To be determined

* The Hyde Park Planning Area has adopted two Neighborhood Conservation Combining District (NCCD) ordinances that may regulate design standards similar to impervious cover and parking placement, garage placement, etc. (see NCCD Ordinance # 020131-20 and # 20050818-064).

** The North University Planning Area adopted a Neighborhood Conservation Combining District (NCCD) that specifies its own regulations for garage placement and front porch setback. They are somewhat different than the Neighborhood Planning garage placement and front porch setback design tools (see NCCD Ordinance #040826-58).

*** The plan recommended these options, but the final zoning did not include these options.

Lot Counts by Revised Size Category

Single Family and Duplex Lots Only

TCAD Data, as of October 2006

Original NPA name	TOTAL	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
		< 2500 SQ FT	< 2500 SQ FT	2,500 TO 3,999 SQ FT	2,500 TO 3,999 SQ FT	4,000 TO 5,749 SQ FT	4,000 TO 5,749 SQ FT	5,750 TO 6,999 SQ FT	5,750 TO 6,999 SQ FT	7,000 TO 9,999 SQ FT	7,000 TO 9,999 SQ FT	10,000 Plus SQ FT	10,000 Plus SQ FT
Allendale	2,238	3	0.1%	1	0.0%	0	0.0%	28	1.3%	869	38.8%	1,337	59.7%
Barton Hills	1,397	9	0.6%	0	0.0%	0	0.0%	11	0.8%	430	30.8%	947	67.8%
Bouldin	1,336	28	2.1%	48	3.6%	191	14.3%	513	38.4%	384	28.7%	172	12.9%
Brentwood	2,141	5	0.2%	0	0.0%	32	1.5%	300	14.0%	1,349	63.0%	455	21.3%
Central East Austin	1,206	37	3.1%	100	8.3%	319	26.5%	368	30.5%	296	24.5%	86	7.1%
Chestnut	520	7	1.3%	58	11.2%	90	17.3%	238	45.8%	95	18.3%	32	6.2%
Coronada Hills	211	0	0.0%	0	0.0%	0	0.0%	4	1.9%	114	54.0%	93	44.1%
Crestview	1,563	0	0.0%	0	0.0%	15	1.0%	269	17.2%	1,001	64.0%	278	17.8%
Dawson	608	11	1.8%	0	0.0%	24	3.9%	196	32.2%	276	45.4%	101	16.6%
Downtown	168	2	1.2%	9	5.4%	23	13.7%	26	15.5%	50	29.8%	58	34.5%
East Cesar Chavez	773	19	2.5%	51	6.6%	99	12.8%	332	42.9%	220	28.5%	52	6.7%
East Congress	659	17	2.6%	0	0.0%	0	0.0%	78	11.8%	454	68.9%	110	16.7%
East Oak Hill	2,921	39	1.3%	19	0.7%	26	0.9%	64	2.2%	1,696	58.1%	1,077	36.9%
Franklin Park	3,403	0	0.0%	0	0.0%	75	2.2%	909	26.7%	1,812	53.2%	607	17.8%
Galindo	656	10	1.5%	12	1.8%	29	4.4%	111	16.9%	391	59.6%	103	15.7%
Garrison Park	2,871	11	0.4%	2	0.1%	27	0.9%	944	32.9%	1,358	47.3%	529	18.4%
Georgian Acres	705	1	0.1%	0	0.0%	0	0.0%	25	3.5%	378	53.6%	301	42.7%
Govalle	1,130	3	0.3%	6	0.5%	106	9.4%	429	38.0%	346	30.6%	240	21.2%
Hancock	898	3	0.3%	17	1.9%	85	9.5%	279	31.1%	315	35.1%	199	22.2%
Heritage Hills	415	0	0.0%	0	0.0%	0	0.0%	2	0.5%	262	63.1%	151	36.4%
Highland	1,332	0	0.0%	0	0.0%	6	0.5%	178	13.4%	906	68.0%	242	18.2%
Highland Park	1,730	0	0.0%	44	2.5%	63	3.6%	39	2.3%	215	12.4%	1,369	79.1%
Holly	1,009	20	2.0%	191	18.9%	186	18.4%	455	45.1%	133	13.2%	24	2.4%
Hyde Park	1,368	1	0.1%	50	3.7%	105	7.7%	568	41.5%	502	36.7%	142	10.4%
Johnston Terrace	341	0	0.0%	0	0.0%	12	3.5%	53	15.5%	163	47.8%	113	33.1%
MLK	1,097	0	0.0%	3	0.3%	51	4.6%	185	16.9%	466	42.5%	392	35.7%
MLK-183	2,035	0	0.0%	8	0.4%	86	4.2%	682	33.5%	910	44.7%	349	17.1%
McKinney	815	0	0.0%	2	0.2%	74	9.1%	383	47.0%	275	33.7%	81	9.9%
Montopolis	1,298	13	1.0%	17	1.3%	181	13.9%	503	38.8%	408	31.4%	176	13.6%
Mueller	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%
NACA	3,271	2	0.1%	0	0.0%	3	0.1%	204	6.2%	2,228	68.1%	834	25.5%
North Burnet	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
North Lamar	705	4	0.6%	0	0.0%	1	0.1%	150	21.3%	388	55.0%	162	23.0%
North Loop	1,308	2	0.2%	7	0.5%	172	13.1%	657	50.2%	360	27.5%	110	8.4%
North Shoal Creek	835	0	0.0%	0	0.0%	0	0.0%	92	11.0%	640	76.6%	103	12.3%
North University	383	2	0.5%	13	3.4%	39	10.2%	126	32.9%	150	39.2%	53	13.8%
Northwest Hills	5,409	1	0.0%	22	0.4%	233	4.3%	120	2.2%	716	13.2%	4,317	79.8%
Old West Austin	781	9	1.2%	49	6.3%	135	17.3%	216	27.7%	251	32.1%	121	15.5%
Pecan Springs--Springdale	1,189	0	0.0%	0	0.0%	1	0.1%	21	1.8%	833	70.1%	334	28.1%
Pleasant Valley	129	1	0.8%	0	0.0%	68	52.7%	17	13.2%	28	21.7%	15	11.6%
Riverside	396	0	0.0%	0	0.0%	1	0.3%	13	3.3%	198	50.0%	184	46.5%
Rosedale	2,017	3	0.1%	9	0.4%	30	1.5%	624	30.9%	950	47.1%	401	19.9%
Rosewood	992	6	0.6%	35	3.5%	288	29.0%	274	27.6%	257	25.9%	132	13.3%
South Lamar	862	27	3.1%	57	6.6%	28	3.2%	87	10.1%	403	46.8%	260	30.2%
South Manchaca	2,173	55	2.5%	0	0.0%	1	0.0%	143	6.6%	1,324	60.9%	650	29.9%
South River City	1,330	19	1.4%	28	2.1%	113	8.5%	359	27.0%	467	35.1%	344	25.9%
Southeast	83	1	1.2%	0	0.0%	0	0.0%	0	0.0%	5	6.0%	77	92.8%
St. Edwards	295	0	0.0%	0	0.0%	1	0.3%	30	10.2%	222	75.3%	42	14.2%
St. Johns	634	0	0.0%	0	0.0%	2	0.3%	4	0.6%	578	91.2%	50	7.9%
Sweetbriar	839	0	0.0%	0	0.0%	1	0.1%	356	42.4%	400	47.7%	82	9.8%
Tarrytown	2,822	5	0.2%	10	0.4%	72	2.6%	361	12.8%	879	31.1%	1,495	53.0%
UT	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	100.0%	0	0.0%
Not in an original NPA	116,485	1,285	1.1%	650	0.6%	7,985	6.9%	16,947	14.5%	35,803	30.7%	53,815	46.2%
University Hills	1,318	0	0.0%	0	0.0%	1	0.1%	54	4.1%	629	47.7%	634	48.1%
Upper Boggy Creek	1,863	2	0.1%	19	1.0%	217	11.6%	270	14.5%	939	50.4%	416	22.3%
West Congress	522	3	0.6%	0	0.0%	6	1.1%	98	18.8%	273	52.3%	142	27.2%
West Oak Hill	3,664	76	2.1%	1	0.0%	74	2.0%	454	12.4%	995	27.2%	2,064	56.3%
West University	439	4	0.9%	16	3.6%	67	15.3%	166	37.8%	127	28.9%	59	13.4%
Westgate	833	0	0.0%	0	0.0%	0	0.0%	5	0.6%	317	38.1%	511	61.3%
Windsor Hills	1,509	1	0.1%	19	1.3%	29	1.9%	145	9.6%	876	58.1%	439	29.1%
Windsor Park	3,050	8	0.3%	4	0.1%	4	0.1%	140	4.6%	2,110	69.2%	784	25.7%
Windsor Road	1,514	11	0.7%	4	0.3%	50	3.3%	250	16.5%	614	40.6%	585	38.6%
Wooten	1,106	0	0.0%	0	0.0%	1	0.1%	105	9.5%	832	75.2%	168	15.2%
Zilker	1,455	14	1.0%	3	0.2%	69	4.7%	467	32.1%	593	40.8%	309	21.2%

Report produced by: Ryan Robinson, City Demographer, Department of Planning, City of Austin, March 2007.

ORDINANCE NO.

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(B) A substandard lot may be used for a single-family residential use if the use [that] is permitted in the zoning district in which the lot is located and [if] the lot complies with the requirements of this subsection.

(1) A substandard lot recorded in the county real property records before March 15, 1946 must:

(a) either:

(i) have an area of not less than 4,000 square feet; or

(ii) if the lot was developed with a dwelling unit before (effective date of ordinance), have an area of not less than 2,500 square feet; and

(b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:

(i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;

(ii) not more than 150 feet in length; and

(iii) maintained for access by the property owner.

(2) A substandard lot recorded in the county real property records after March 14, 1946 must:

(a) have an area of not less than 5,750 square feet; and

(b) be not less than 50 feet wide at the street or at the building line.

1 (D) A substandard lot that is aggregated with other property to form a site may not
2 be disaggregated after (effective date of ordinance) to form a site that is
3 smaller than the minimum lot area requirement.
4

5 **PART 2.** This ordinance takes effect on _____, 2007.

6 **PASSED AND APPROVED**

7
8
9
10 _____, 2007

§
§
§

Will Wynn
Mayor

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12
13
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15 **APPROVED:** _____

16 David Allan Smith
17 City Attorney

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19
20 **ATTEST:** _____

Shirley A. Gentry
City Clerk

Draft



AFFORDABILITY IMPACT STATEMENT
NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT
CITY COUNCIL AGENDA: CASE NUMBER:

PROPOSED CODE AMENDMENT:	AN ORDINANCE AMENDING SECTION 25-2-943 OF THE CITY CODE RELATING TO SUBSTANDARD LOTS.
PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:	<p>THE PROPOSED AMENDMENT HAS A POSITIVE IMPACT ON HOUSING AFFORDABILITY BY INCREASING OPPORTUNITIES FOR HOUSING DEVELOPMENT ON EXISTING SMALL LOTS.</p> <p>THE PROPOSED CHANGE WOULD ALLOW A REPLACEMENT SINGLE-FAMILY HOME ON A 2,500 SQUARE FOOT LOT IF THE LOT WAS CREATED PRIOR TO 1946 AND THE LOT WAS USED FOR A RESIDENTIAL USE. OWNERS MAY NOT DISAGGREGATE TWO OR MORE SUBSTANDARD LOTS UNLESS THE NEW CONFIGURATION MEETS MINIMUM LOT STANDARDS.</p>
ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:	NONE REQUIRED
OTHER RECOMMENDATIONS:	NHCD SUPPORTS <u>NPZD STAFF RECOMMENDATIONS.</u>
DATE PREPARED:	DECEMBER 20, 2006

DIRECTOR'S SIGNATURE: _____


PAUL HILGERS

Guernsey, Greg

From: Laura Morrison [lcmorrison@prodigy.net]
Sent: Monday, February 26, 2007 3:46 PM
To: Riley, Chris; Cid Galindo; Dave Sullivan; Gary Stegeman; Jay Reddy; Mandy Dealey; Perla Cavazos; Sandra Kirk; Tracy Atkins
Cc: ANCExec@yahooogroups.com; Guernsey, Greg; Hilgers, Paul; Kathie Tovo; 'Karen McGraw'; Mary Ingle; 'Karen Paup'; echols@psy.utexas.edu
Subject: C20-05-006 - Substandard Lot -- ANC Position
Attachments: lot_cats Highlighted.xls; Infill_Options_Chart_FEB2006.pdf

Chair Sullivan and Commissioners,

This week you will be considering an amendment to the substandard lot code, which has 3 parts.

The Austin Neighborhoods Council supports 2 of these. We support the changes that limit uses that can be placed on a substandard lot, and the prohibition of unraveling lots into substandard lots.

We oppose, however, the 3rd part which would allow the construction of a sf structure on a lot as small as 2500 sq ft if it replaces a previous structure. We believe that this would override the choices already made by neighborhood planning teams that have not adopted small lot amnesty, and it would remove small lot amnesty as a free choice in neighborhood planning that is currently underway. In addition, we have particular concerns about the negative impact this would have on affordable housing in our neighborhoods that have not adopted small lot amnesty since the existing structures on small lots would likely, under this amendment be replaced by much less affordable dwellings.

During the SF Regulations Task Force efforts last year, Ryan Robinson, the City Demographer, provided us with data that identified (among other things) the number of 'small' lots in each neighborhood planning area. We also received the NPZD chart that provides info on which neighborhood plans have adopted small lot amnesty. Both of these documents have been helpful in our review of impacts of the 3rd part of this ordinance and I have attached them here in case you have not had an opportunity to review this data and would be interested in doing so. I have modified the spreadsheet from that which Ryan originally provided by adding a column that lists whether an area with a nontrivial number of small lots has adopted small lot amnesty.

Thank you for your careful consideration of this issue. I regret that I am unable to attend Tuesday's PC meeting but there will be an ANC representative there who will be able to address our position.

Laura Morrison
 ANC President

Laura C. Morrison
 LCMorrison@prodigy.net
 (512) 494-8702
 (484) 902-7520 (fax)

[illegible]

			#	%	#	%	#	%	#	%	#	%	#	%
			2,500 TO 3,499	FT LOTS	2,500 TO 3,499	FT LOTS	3,500 TO 5,749	FT LOTS	5,750 TO 6,999	FT LOTS	7,000 TO 9,999	FT LOTS	10,000 TO 19,999	%
			TOTAL	FT LOTS									FT LOTS	FT LOTS
Highland Park	1,266	5	0.39%		102	8.06%	39	3.08%	215	16.98%	905	71.48%		
Holly	984	143	14.53%		234	23.78%	455	46.24%	133	13.52%	19	1.93%		
Hyde Park	1,361	27	1.98%		128	9.40%	568	41.73%	502	36.88%	136	9.99%		
Johnston Terrace	312	0	0.00%		12	3.85%	53	16.99%	163	52.24%	84	26.92%		
McKinney	787	1	0.13%		75	9.53%	383	48.67%	275	34.94%	53	6.73%		
MLK	1,007	1	0.10%		53	5.26%	185	18.37%	466	46.28%	302	29.99%		
MLK-183	1,975	4	0.20%		90	4.56%	682	34.53%	910	46.08%	289	14.63%		
Montopolis	1,227	2	0.16%		196	15.97%	503	40.99%	408	33.25%	118	9.62%		
Mueller	1	0	0.00%		0	0.00%	0	0.00%	1	100.00%	0	0.00%		
NACA	3,237	0	0.00%		3	0.09%	204	6.30%	2,228	68.83%	802	24.78%		
North Lamar	690	0	0.00%		1	0.14%	150	21.74%	388	56.23%	151	21.88%		
North Loop	1,300	2	0.15%		177	13.62%	657	50.54%	360	27.69%	104	8.00%		
North Shoal Creek	833	0	0.00%		0	0.00%	92	11.04%	640	76.83%	101	12.12%		
North University	374	10	2.67%		42	11.23%	126	33.69%	150	40.11%	46	12.30%		
Northwest Hills	4,983	8	0.16%		247	4.96%	120	2.41%	716	14.37%	3,892	78.11%		
Old West Austin	754	24	3.18%		160	21.22%	216	28.65%	251	33.29%	103	13.66%		
Pecan Springs--Spring	1,168	0	0.00%		1	0.09%	21	1.80%	833	71.32%	313	26.80%		
Pleasant Valley	115	0	0.00%		68	59.13%	17	14.78%	28	24.35%	2	1.74%		
Riverside	385	0	0.00%		1	0.26%	13	3.38%	198	51.43%	173	44.94%		
Rosedale	1,979	7	0.35%		32	1.62%	624	31.53%	950	48.00%	366	18.49%		
Rosewood	978	15	1.53%		308	31.49%	274	28.02%	257	26.28%	124	12.68%		
South Lamar	730	16	2.19%		69	9.45%	87	11.92%	403	55.21%	155	21.23%		
South Manchaca	2,077	0	0.00%		1	0.05%	143	6.88%	1,324	63.75%	609	29.32%		
South River City	1,282	11	0.86%		130	10.14%	359	28.00%	467	36.43%	315	24.57%		
Southeast	30	0	0.00%		0	0.00%	0	0.00%	5	16.67%	25	83.33%		
St. Edwards	293	0	0.00%		1	0.34%	30	10.24%	222	75.77%	40	13.65%		

		#	%	#	%	#	%	#	%	#	%	#	%
		2,500 TO	2,500 TO	3,500 TO	3,500 TO	5,750 TO	5,750 TO	7,000 TO	7,000 TO	10,000 TO	10,000 TO		
		3,499	3,499	5,749	5,749	6,999	6,999	9,999	9,999	19,999	19,999		
		FT LOTS	FT LOTS	FT LOTS	FT LOTS	FT LOTS	FT LOTS	FT LOTS	FT LOTS	FT LOTS	FT LOTS		
TOTAL													
St. Johns	632	0	0.00%	2	0.32%	4	0.63%	578	91.46%	48	7.59%		
Sweetbriar	819	0	0.00%	1	0.12%	356	43.47%	400	48.84%	62	7.57%		
Farrystown	2,581	5	0.19%	77	2.98%	361	13.99%	879	34.06%	1,259	48.78%		
Unassigned	92,894	135	0.15%	8,501	9.15%	16,946	18.24%	35,803	38.54%	31,509	33.92%		
University Hills	1,237	0	0.00%	1	0.08%	54	4.37%	629	50.85%	553	44.70%		
Upper Boggy Creek	1,845	12	0.65%	224	12.14%	270	14.63%	939	50.89%	400	21.68%		
UT	3	0	0.00%	0	0.00%	0	0.00%	3	100.00%	0	0.00%		
West Congress	474	0	0.00%	6	1.27%	98	20.68%	273	57.59%	97	20.46%		
West Oak Hill	2,491	1	0.04%	74	2.97%	454	18.23%	995	39.94%	967	38.82%		
West University	425	8	1.88%	75	17.65%	166	39.06%	127	29.88%	49	11.53%		
Westgate	772	0	0.00%	0	0.00%	5	0.65%	317	41.06%	450	58.29%		
Windsor Hills	1,463	16	1.09%	32	2.19%	145	9.91%	876	59.88%	394	26.93%		
Windsor Park	2,961	3	0.10%	5	0.17%	140	4.73%	2,110	71.26%	703	23.74%		
Windsor Road	1,398	0	0.00%	54	3.86%	250	17.88%	614	43.92%	480	34.33%		
Wooten	1,105	0	0.00%	1	0.09%	105	9.50%	832	75.29%	167	15.11%		
Zilker	1,399	0	0.00%	72	5.15%	467	33.38%	593	42.39%	267	19.09%		

	Neighborhood-Wide or Sub-District						Property Specific		
	Small Lot Amnesty	Cottage Lot	Urban Home	Secondary Apartments	Corner Store	Neighborhood Urban Center	Residential Infill	Mixed-Use Building	
Planning Area									
Pecan Springs/ Springdale	Yes	Subdistrict	Subdistrict	Subdistrict		Yes	Yes	Yes	
Pleasant Valley	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	
Riverside	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	
Rosewood	Yes			Yes		Yes		Yes	
St Edwards						Yes		Yes	
South River City						Yes		Yes	
Southeast	Yes								
Sweetbriar	Yes	Subdistrict	Subdistrict	Subdistrict	Subdistrict	Yes	Subdistrict	Yes	
Upper Boggy Creek	Yes			Subdistrict		Yes		Yes	
West University	Yes							Yes	
West Congress	Yes			Subdistrict		Yes		Yes	
Wooten	Yes	Subdistrict	Subdistrict	Subdistrict		Yes		Yes	

Subdistrict = chosen, but only for a part of the neighborhood planning area
 * The plan recommended these options, but the final zoning did not include these options.

East Cesar Chavez Neighborhood Planning Team
1511 Haskell Street
Austin, Texas 78702
Joseph A. Martinez, Chair
512-474-8148
josephmartinez@yahoo.com

**RESOLUTION SUPPORTING NO CHANGE IN SMALL LOT AMNESTY PROVISIONS FOR THE EAST
CESAR CHAVEZ PLANNING AREA WITH REGARDS TO AMENDMENTS TO SECTION 25-2-943 OF THE
AUSTIN CITY CODE REGARDING SUBSTANDARD LOTS**

WHEREAS, the East Cesar Chavez Neighborhood Planning Team's adopted Neighborhood Plan provided small lot amnesty for any lot legally subdivided at the time our Plan was adopted in 1999; and

WHEREAS, in the East Cesar Chavez Neighborhood Plan Housing Section (pages 41-45) the Neighborhood Housing Vision states: The neighborhood needs more housing for its families, especially its elderly and young families. The Neighborhood is willing to absorb some increase in density to accommodate these needs, as long as the neighborhood character is maintained. An array of housing options that are safe, accessible and affordable should be available. Providing more opportunities for existing residents to own their own homes is a priority; and

WHEREAS, the small lot amnesty regulations we proposed were further restricted by limiting small lot amnesty to lots 2,500 sq ft and larger and several blocks of housing in the Taylor and Cross Street areas and other lots within the planning area were denied amnesty due to the rather arbitrary minimum 2,500 sq. ft. requirement and remain un-buildable denying basic property rights to these owners; and

WHEREAS, the proposed revisions to the substandard lot code could further restrict building on additional small lots that meet the minimum footage in our area by specifically requiring 1) a minimum front width of 25 feet, 2) only allows building on a small lot if a home previously existed on the lot, and 3) will not allow a secondary unit on a substandard lot; and

WHEREAS, these revisions could negatively impact and change the regulations regarding substandard lots granted amnesty under our current Neighborhood Plan and in effect since 2000; **NOW THEREFORE**,

BE IT RESOLVED BY THE EAST CESAR CHAVEZ NEIGHBORHOOD PLANNING TEAM:

That we do not support any changes to the substandard lot regulations if those changes would not honor our existing small lot amnesty provisions which currently do not require a minimum 25 feet lot width, does allow building on a small lot regardless of whether a home previously existed on the lot, and does allow a secondary unit on the small lots so long as established SF compatability standards can be met.

ADOPTED: February 21, 2007

BY: The East Cesar Chavez Neighborhood Planning Team

ATTEST:

JAM

by Joseph A. Martinez, Chairperson